

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CITY OF HUNTINGTON,  
Plaintiff,**

**v.**

**AMERISOURCEBERGEN DRUG  
CORPORATION, et al.,  
Defendants.**

**CIVIL ACTION NO. 3:17-01362**

**CABELL COUNTY COMMISSION,  
Plaintiff,**

**v.**

**AMERISOURCEBERGEN DRUG  
CORPORATION, et al.,  
Defendants.**

*Consolidated case:*

**CIVIL ACTION NO. 3:17-01665**

**NOTICE OF SERVICE OF TRIAL SUBPOENA**

TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD

PLEASE TAKE NOTICE that, pursuant to Federal Rule of Civil Procedure 45(a)(4), Plaintiffs, The City of Huntington and Cabell County Commission, have served a Subpoena to Testify at the Trial of these Civil Actions upon the following:

1. Angela Ronk (The Medicine Shoppe)
2. Robert Petrzsak (Drug Emporium)
3. Richard Fillmore (Drug Emporium)

Accompanying this Notice, please find a copy of the aforementioned subpoena and proof of service.

Dated: October 27, 2020

Respectfully submitted,

Plaintiffs,

THE CITY OF HUNTINGTON and  
CABELL COUNTY COMMISSION

/s/ Michael J. Fuller, Jr.

Michael J. Fuller, Jr. (WV Bar No. 10150)

**McHUGH FULLER LAW GROUP, PLLC**

97 Elias Whiddon Rd.  
Hattiesburg, MS 39402  
T: 601-261-2220  
F: 601-261-2481  
[mike@mchughfuller.com](mailto:mike@mchughfuller.com)

Paul T. Farrell, Jr. (WVSB No. 7443)

**FARRELL LAW**

422 Ninth Street, 3<sup>rd</sup> Floor (25701)  
P.O. Box 1180  
Huntington, WV 25714-1180  
T: 304-654-8281  
[paul@farrell.law](mailto:paul@farrell.law)

Anne McGinness Kearse (WVSB No. 12547)

Joseph F. Rice

**MOTLEY RICE LLC**

28 Bridgeside Blvd.  
Mount Pleasant, SC 29464  
T: 843-216-9000  
F: 843-216-9450  
[akearse@motleyrice.com](mailto:akearse@motleyrice.com)  
[jrice@motleyrice.com](mailto:jrice@motleyrice.com)

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on October 27, 2020, a copy of the foregoing **NOTICE OF SERVICE OF SUBPOENA FOR TRIAL** has been filed electronically using the Court's CM/ECF system and will be served *via* the Court's CM/ECF filing system, which will send notification of such filing to the attorneys of record at their e-mail addresses on file with the Court.

/s/ Michael J. Fuller, Jr..

Michael J. Fuller, Jr.

AO 88 (Rev. 02/14) Subpoena to Appear and Testify at a Hearing or Trial in a Civil Action

# UNITED STATES DISTRICT COURT

for the

Southern District of West Virginia

The City of Huntington, West Virginia, et al.,

*Plaintiff*

v.

AmerisourceBergen Drug Corporation, et al.

*Defendant*

Civil Action No. 3:17-cv-01362

## SUBPOENA TO APPEAR AND TESTIFY AT A HEARING OR TRIAL IN A CIVIL ACTION

To: Angela Ronk, President of T & J Enterprises, Inc. d/b/a The Medicine Shoppe  
2402 Adams Ave, Huntington, WV 25704

*(Name of person to whom this subpoena is directed)*

**YOU ARE COMMANDED** to appear in the United States district court at the time, date, and place set forth below to testify at a hearing or trial in this civil action. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place: 6610 Robert C. Byrd United States Courthouse  
300 Virginia Street East  
Charleston, WV 25301

Courtroom No.: To be determined

Date and Time: 10/19/2020 9:30 am

You must also bring with you the following documents, electronically stored information, or objects *(leave blank if not applicable)*:

Complete copies of contracts and agreements between T & J Enterprises, Inc. and Cardinal Health, Inc. and/or Medicine Shoppe International, Inc. from 1996 to present

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 09/18/2020

CLERK OF COURT

OR

/s/ Michael J. Fuller, Jr.

*Signature of Clerk or Deputy Clerk*

*Attorney's signature*

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* Plaintiffs City of

Huntington and Cabell County Commission, who issues or requests this subpoena, are:

Michael J. Fuller, Jr., 97 Elias Whiddon Road, Hattiesburg, MS 39402 mike@mchughfuller.com; 601-261-2220

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88 (Rev. 02/14) Subpoena to Appear and Testify at a Hearing or Trial in a Civil Action (Page 2)

Civil Action No. 3:17-cv-01362

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* ANGELA RONK, President of T & J Enterprises, Inc. d/b/a The Medicine Shoppe on *(date)* Sep 24, 2020.

☒ I served the subpoena by delivering a copy to the named individual as follows: Personal/Individual service to ANGELA RONK, President of T & J Enterprises, Inc. d/b/a The Medicine Shoppe on Tue, Sep 29 2020; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$

\_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$

\_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: Sep 29, 2020



\_\_\_\_\_  
*Server's signature*

Susan Lucas

\_\_\_\_\_  
*Printed name and title*

Quantum Process, LLC 418 Pittman Rd., Ellisville, MS 39437  
(601)800-2004

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc.:

## UNITED STATES DISTRICT COURT

for the

Southern District of West Virginia

The City of Huntington, West Virginia, et al.,*Plaintiff*

v.

AmerisourceBergen Drug Corporation, et al.*Defendant*

Civil Action No. 3:17-cv-01362

SUBPOENA TO APPEAR AND TESTIFY  
AT A HEARING OR TRIAL IN A CIVIL ACTIONTo: Robert A. Petryszak, President Discount Emporium, Inc., d/b/a Drug Emporium #1  
302 Shetland Drive, Scott Depot, WV 25560-9403*(Name of person to whom this subpoena is directed)*

**YOU ARE COMMANDED** to appear in the United States district court at the time, date, and place set forth below to testify at a hearing or trial in this civil action. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place: 6610 Robert C. Byrd United States Courthouse  
300 Virginia Street East  
Charleston, WV 25301

Courtroom No.: To be determined

Date and Time: 10/19/2020 9:30 am

You must also bring with you the following documents, electronically stored information, or objects *(leave blank if not applicable)*:

Documents produced by Discount Emporium, Inc. in this litigation identified by the following Bates numbers: DE0034480, DE0034481, DE0034482, DE0034483, DE0034484, DE0034485, and DE0034486

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 10/02/2020

CLERK OF COURT

OR

/s/ Michael J. Fuller, Jr.*Signature of Clerk or Deputy Clerk**Attorney's signature*

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* Plaintiffs City of  
Huntington and Cabell County Commission, who issues or requests this subpoena, are:

Michael J. Fuller, Jr., 97 Elias Whiddon Road, Hattiesburg, MS 39402 mike@mchughfuller.com; 601-261-2220

**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action (Page 2)

Civil Action No. 3:17-cv-01362

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* ROBERT A. PETRVZSAK, President, Discount Emporium, Inc. d/b/a Drug Emporium #1 on *(date)* Sep 30, 2020.

☒ I served the subpoena by delivering a copy to the named individual as follows: Substitute Service - Abode service to Susan Petrvzsak on Mon, Oct 05 2020; or

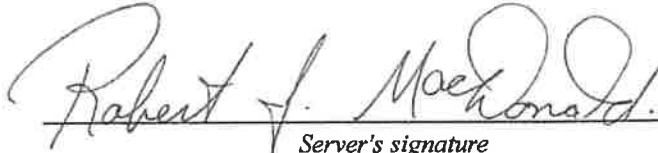
☐ I returned the subpoena unexecuted because: \_\_\_\_\_.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: Oct 9, 2020

  
\_\_\_\_\_  
*Server's signature*

Robert MacDonald

\_\_\_\_\_  
*Printed name and title*

Quantum Process, LLC 418 Pittman Rd., Ellisville, MS 39437  
(601)800-2004

\_\_\_\_\_  
*Server's address*

## UNITED STATES DISTRICT COURT

for the

Southern District of West Virginia

The City of Huntington, West Virginia, et al.,*Plaintiff*

v.

AmerisourceBergen Drug Corporation, et al.*Defendant*

Civil Action No. 3:17-cv-01362

SUBPOENA TO APPEAR AND TESTIFY  
AT A HEARING OR TRIAL IN A CIVIL ACTIONTo: Richard B. Fillmore, Pharmacist-in-Charge, Discount Emporium, Inc., d/b/a Drug Emporium #1  
3 Mall Road, Barboursville, WV 25504*(Name of person to whom this subpoena is directed)*

**YOU ARE COMMANDED** to appear in the United States district court at the time, date, and place set forth below to testify at a hearing or trial in this civil action. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place: 6610 Robert C. Byrd United States Courthouse  
300 Virginia Street East  
Charleston, WV 25301

Courtroom No.: To be determined

Date and Time: 10/19/2020 9:30 am

You must also bring with you the following documents, electronically stored information, or objects *(leave blank if not applicable)*:

Documents produced by Discount Emporium, Inc. in this litigation identified by the following Bates numbers: DE0034480, DE0034481, DE0034482, DE0034483, DE0034484, DE0034485, and DE0034486

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 09/29/2020

CLERK OF COURT

OR

/s/ Michael J. Fuller, Jr.*Signature of Clerk or Deputy Clerk**Attorney's signature*The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* Plaintiffs City ofHuntington and Cabell County Commission, who issues or requests this subpoena, are:Michael J. Fuller, Jr., 97 Elias Whiddon Road, Hattiesburg, MS 39402 mike@mchughfuller.com; 601-261-2220**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action (Page 2)

Civil Action No. 3:17-cv-01362

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* RICHARD B. FILLMORE, Pharmacist-in-Charge, Discount Emporium, Inc. d/b/a Drug Emporium #1 on *(date)* Sep 30, 2020.

☒ I served the subpoena by delivering a copy to the named individual as follows: Personal/Individual service to RICHARD B. FILLMORE on Thu, Oct 01 2020; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: Oct 2, 2020

  
\_\_\_\_\_  
*Server's signature*

Robert MacDonald - Private Investigator  
\_\_\_\_\_  
*Printed name and title*

Quantum Process, LLC 418 Pittman Rd., Ellisville, MS 39437  
(601)800-2004  
\_\_\_\_\_

*Server's address*